

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

FERNANDO AVILES-CISNEROS,

Defendant.

CASE NO. CR06-425 MJP

DETENTION ORDER

Offense charged:

Count III - Conspiracy to Distribute Cocaine, 500 grams or more

Date of Detention Hearing: 12/06/06

The court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of any other person and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) The drug offense with which defendant is charged carries a maximum penalty of forty years of imprisonment, with a mandatory minimum sentence of five years. There is therefore a rebuttable presumption that defendant will be detained.
- (2) Nothing has been presented to rebut that presumption.
- (3) Defendant is reportedly a citizen of Mexico.
- (4) The United States alleges that his presence in this country is illegal. There is an immigration detainer pending against him. The issue of detention in this case is therefore essentially moot.
- (5) Defendant and his counsel offered nothing in opposition to the entry of an order of detention.
- (6) Defendant declined to be interviewed by this court's Pretrial Services Officer.

It is therefore ORDERED:

- (1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

(4) The clerk shall direct copies of this order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 7th day of December, 2006.

/s/John L. Weinberg
JOHN L. WEINBERG
United States Magistrate Judge